ORDER RECEIVED/FOR FILING
Date

W
By

IN RE: PETITION FOR ADMIN. VARIANCE N/S Valley Glen Court, 300' S

of the c/l of Ridge Road (5 Valley Glen Court) 8th Election District 3rd Councilmanic District

Richard J. Gerberg, et ux Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-420-A

\*

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Richard J. and Lisa J. Gerberg. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed addition (13'2" x 20'9" greenhouse). The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

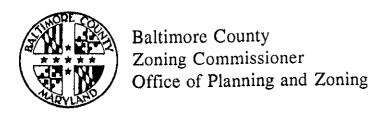
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date
U/4/98



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 4, 1998

Mr. & Mrs. Richard J. Gerberg 5 Valley Glen Court Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Valley Glen Court, 300' S of the c/l of Ridge Road
(5 Valley Glen Court)
8th Election District - 3rd Councilmanic District
Richard J. Gerberg, et ux - Petitioners
Case No. 98-420-A

Dear Mr. & Mrs. Gerberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Ms. Robin Dee and Mr. Brian Hensell 86 John Street, Unit B, Westminster, Md. 21157

People's Counsel

**F**ile

REVIEWED BY:

ESTIMATED POSTING DATE:

DATE

### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at

5 VALLEY GLEN CT. REISTERSTOWN, MD 21136 which is presently zoned RC 5

ITEM #:

This Petition shall be filed with the Dept. of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 14043B3 To Permit A Site Partin
Settance of Setting County South County Sou

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE REVENUE SODE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			legal owners) of the property which is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)
(Type or Print Name)			RICHARD J. Gerberg
Signature		· · · · · · · · · · · · · · · · · · ·	Signature
Address	· · · · · · · · · · · · · · · · · · ·		Type or Pring Names Capbeng
City Attorney for Petitioner	State	Zipcode	Signature Signature 59.35
(Type or Print Name)		~~.	5 VALLEY GLEN C+ 4M 410-560-6723 Address Phone No
Signature			Reisterstand Md 21136 City State Ziocode Name. Address and phone number of representative to be contacted
Authorit			Ropai De or Brain Hensul
Address	Phone	no No	Name
Sign.	State	Zipcode	86 John St. Unut 15 410-857-7829 Address Phone No
		- K-1	Nestmustin, mi)
A Public Hearing having been that the subject matter of this circulation, throughout Battimo	beninon on set for a but	onc nearing , advertised i	ered by the Laning Commissioner of Baltimore County, this day of
			Zoning Commissioner of Baltimore County

## Affidavit

### in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5 VALLEY GLEW (**)
Reisterstonen Md 21136 State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
PRACTICAL DEFICULTY - prevents use of
SAID PROPERTY. Other properties in
AREA do not conform to same (proposed setback is typicus neighbor.
Due to layout of home it is not practical to neighbon.
Peace addition on Reak of home. Due to interior
layout of home this is the only exterior ware
to place addition on.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.    Color   Color
STATE OF MARYLAND, COUNTY OF BALTIMORE 10 WIL
I HEREBY CERTIFY, this 5 <sup>TH</sup> day of MAY, 1998, before me, a Notary Public of the State of Maryland, in and for the County aloresaid, personally appeared
RICHARD J. GERBERG & LISA J. GERBERG
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
5 May 98 B- Chersell
hotary public for the

My Commission Expires:

BRIAN C. HENSELL

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires May 7, 2000

A-054-86

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the	: Affiant(s) do	es/do presently r <b>e</b> si	de at 5 VA	rred pri	n Ut		1
			Reist	erstoun	M d State	21136 Zip Code	
That bas Variance	sed upon perso at the above a	onal knowledge, the ddress: (indicate hards	fellowing are the	: facts upon which	I/we base the requ	est for an Administrative	
	PRACT	ICAL DIF	FICULTY	- preven	ets use	of	
	AID DA	порежту. В	There or	essentes	in alea	do	
	ot co	n form h	SAME.	(Proposed	setback	is typiem of	_reglibertion
	rue to	layout	of home	c it is	not pan	cticine	•
10	place	- adde to			,		
1u -	•					explexion when	<u>.                                    </u>
40	Place	additin-	or.				<del></del>
					<del></del>		<del></del>
That Affi	quired to prov	ide additional infor	mation.		ignatural	sting and advertising fee and	
(type or print	HARD namei	J. Geebe	LIP TUR	YLAND	pe or print namer	Gerberg )	-
		D, COUNTY OF B.			_		
I HEREB of Marylan	Y CERTIFY, id, in and tor i	this <u>574</u> day he County aforesaid	of <i>MACA</i> I, personally app	<u>ζ                                    </u>		, a Notary Public of the State	
Ri	CHARD	J Gerk	reig of	LISA J.	Gerber	ζ	·•
the Affiant	s(s) herein, pe		atisfactorily iden	tified to me as suc	h Affianti(s), and	 made oath in due form of law	,
AS WITN	ESS my hand	and Notarial Seal.			//		
<u>5</u>	May	98		R. NOTARY PUBLIC	Mare	<u>ell</u>	
	//				. ,		

My Commission Expires:

BRIAN C. HENSELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 7, 2000





### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at

5 VALLEY GLEN Ct. REISTERSTOWN, MD 21136 which is presently zoned RC 5

This Petition shall be filed with the Dept. of Permits & Development	Management
hereto and made a part hereof, hereby petition for a Variance from Section(s)	1000 37
50-10	- 4 OF 303 TO HERMIT A SIDE YARD
SETBACK OF 35 FT IN CLEW OF 50 FT	

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)



Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			•
			I/We do solemnly declare and affirm under the penalties of perjury that I we are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)
(Type or Print Name)	<del></del>	· <del></del>	V RICHARD J. GERBERY
(App of Americanic)			(Type or Print Name)
Signature			Signature Company Comp
Address			Type of Print Names ) OFEBERG
			X lesa & Spr Geres
City	State	Zipcode	Signature
Attorney for Petitioner			Wit 410 - 486-5975
(Type or Print Name)	<del> </del>		5 VALLEY GLEN CT HM 410.560-6723  Address Phone No
			Reisterstown Md 21136
Signature			City State Zipcode Name, Address and phone number of representative to be contacted
			Robert Dee or Rossi Vencall
Address	Pron	e No	Name State of Billian Ponselle
City	State	ž Zipcode	Address Phone No.
		-	Woshmush, MD
A Public Hearing having been re	equested and/or lour	nd to be required, it is ord	ored by the Laning Commissioner of Baltimore County, this day of19
inal the subject matter of this pe circulation, throughout Battimore	ועם מיזטו ושנישט יוטוווינ	DIC PROMO OOVERISED	as required by the Zoning Regulations of Ballimore County in two newspapers of genera
			•
			Zoning Commissioner of Bailimore County

ITEM #: \_\_\_\_\_

#### ZONING DESCRIPTION FOR 5 Valley Glen Ct.; Reisterstown, Md 21136

Beginning at a point on the North side of Valley Glen Court which is 50' wide at the distance of 300' South of the centerline of the nearest improved intersecting street Ridge Road whick is 50' wide. Being Lot # 62, Block --, Section 1 in subdivision of Green Valley North as recorded in Baltimore County Plat Book E.H.K., Jr. # 37, Folio # 22, containing 1.033 acres. Also known as 5 Valley Glen Court; Reisterstown, Md 21136 and located in # 08 Election District, # 3 Councilmanic District.

Typical metes and bounds: N 85 36' 47" E 300 Ft., S 04 23' 13" E 150 Ft., N 85 36" 47" E 300 Ft., S 04 23' 13" E 150 Ft. to the place of beginning.

	County make the county of the table to	e en la compania	Control or 5
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FOR COTHE VAN (ADMIN) 350		TY, MAI FINANCE RECEIPT
tas	350 350		95-420E
CASHER'S VALIDATION	Baltimore County, Haryland	## 5/06/1998 5/06/1998 11:21:00 ## 5/06/1998 5/06/1998 11:21:00  5 MISTELLANDUS DASH REGETET  RESERVE # 044409  131 NO. 053726	

A-353.20

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
tem Number or Case Number: <u>98 - 420A</u>
Petitioner: Richard J. & LISA J. Gerberg
Address or Location: 5 Valley Glan Cd Reisterstown, Md 21136
g
PLEASE FORWARD ADVERTISING BILL TO:
Name:Same
Address:
Telephone Number: (4(0) 560- 6723

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 420 -A Address 5 VALCON GLOW GLOW GT
Contact Person: Sour Chica Ander Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $5-6-9$ Posting Date: $5-17-9$ Closing Date: $6-1-9$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <b>POSTING/COST:</b> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted. denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 98- 420 -A Address 5 United Great
Posting Date: 5-(7-98 Closing Date: 6 1-95
Nording for Sign: To Permit A Side YAND SETBACK OF 35 FT Laulica
OF THE REQUIRED SO FI LU ANRC. 5 ZONG

Exhibit A

\*PLANNERS FILL IN THE POSTING AND CLOSING DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than \* 5.17.9 §

Format for Sign Printing, Black Letters on a White Background:

35FT. LA LIEW OF 50FT

6-1-98

	ZONING NOTICE
	ADMINISTRATIVE VARIANCE
	Case No.: 98 - 470 A
Sec. IAO	+ 3 B, 3 TO PENNIT A SIDE YAND SE-LBOWN GF

#### **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

#### CERTIFICATE OF POSTING

RE: Care 192-126-A
Peditioner/Developer:
(Richard Gerberg)
Date of Heading/Closing:
(June 1, 1998)

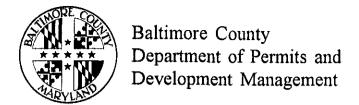
Baltimore County Department of Permits and Development Management County Office Bullding, Room 111 111 West Chesapeake Avenue Towson, Maryland 21264

Attention: Ms. Gwendolyn Stephens

**Ladies and Gentleman:** 

This letter is to certify under the penalties of perjury that the necessary sign(s) required by		
law were posted conspicuously on the property located at		
5 Valley Glen Ct. Baltimore, Maryland 21136		
The sign(s) were posted onMay 15, 1998(Month, Day, Year)	-	

Sincerely,  (Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 27, 1998

Mr. and Mrs. Richard Gerberg 5 Valley Glen Court Reisterstown, MD 21136

RE: Item Number: 420

Case Number: 98-420-A

Petitioner: Richard Gerberg, et ux

Dear Mr. and Mrs. Gerberg:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 6, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

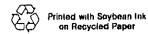
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwen Stephens in the zoning office (410-887-3391).

W. Col Richard Ja

W. Carl Richards, Jr. Zoning Supervisor

WCR:rye

**Enclosures** 





Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County 5.15.91

Item No.

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Dredh Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

## LTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

TO:

MC9

FROM:

R. Bruce Seeley (AB) )9)
Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: Mu

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Itams:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

**DATE**: May 18, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 413, 418, 419, 420, 421, 422, 424, and 426

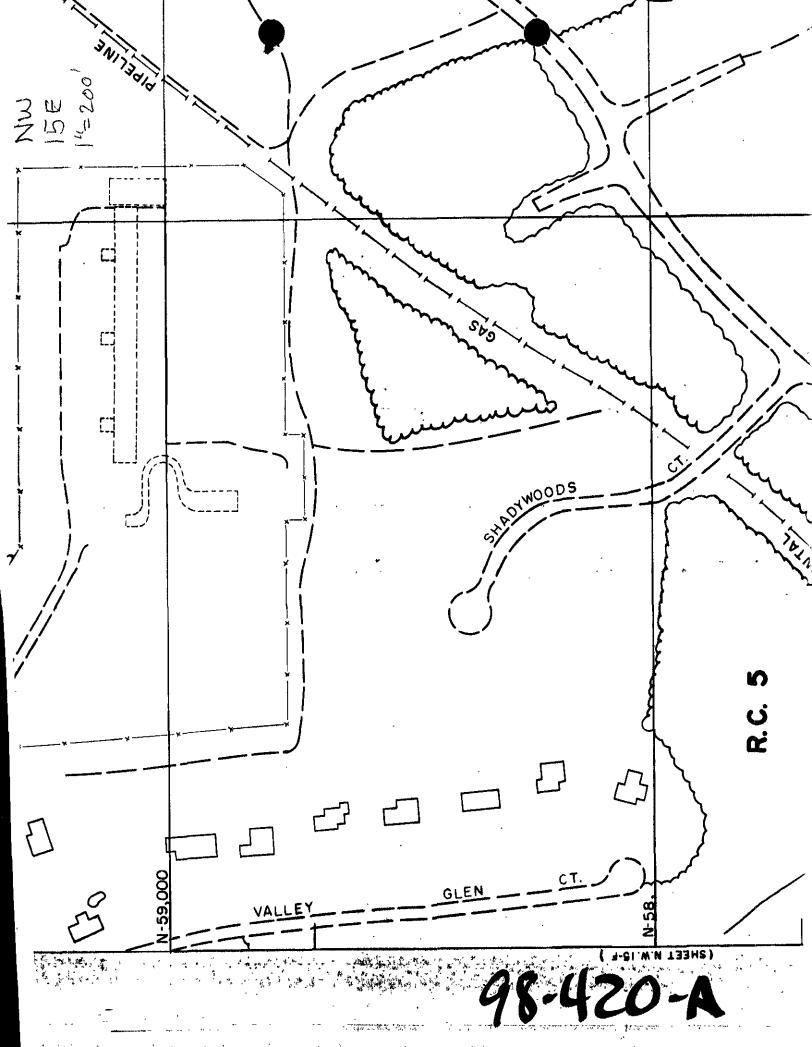
If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

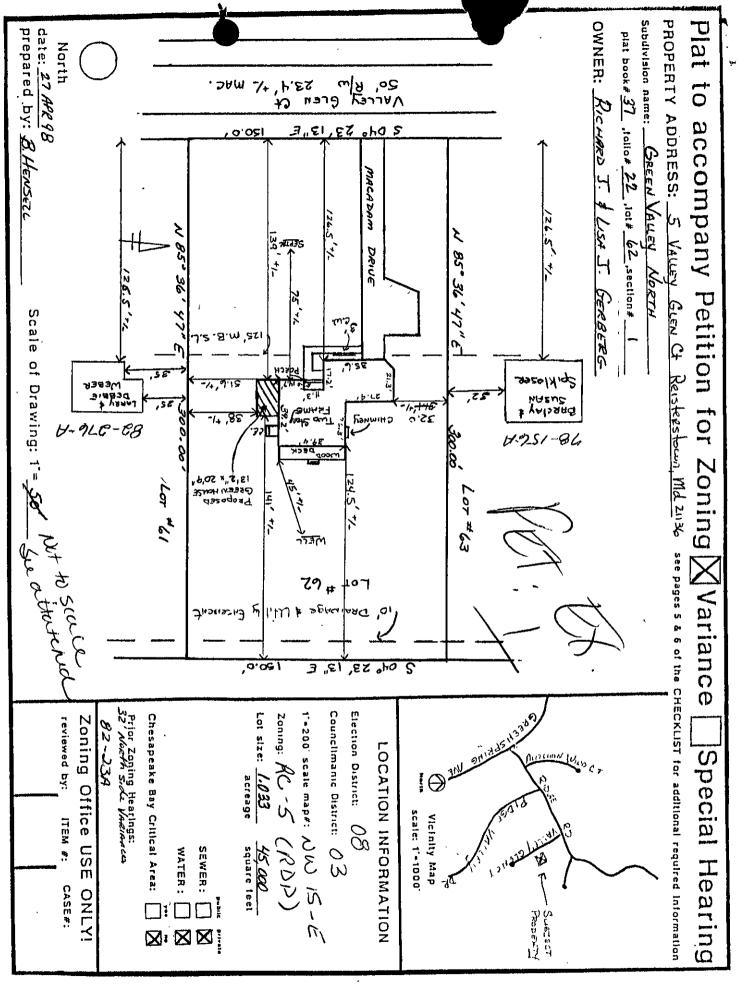
Cayl-Keins

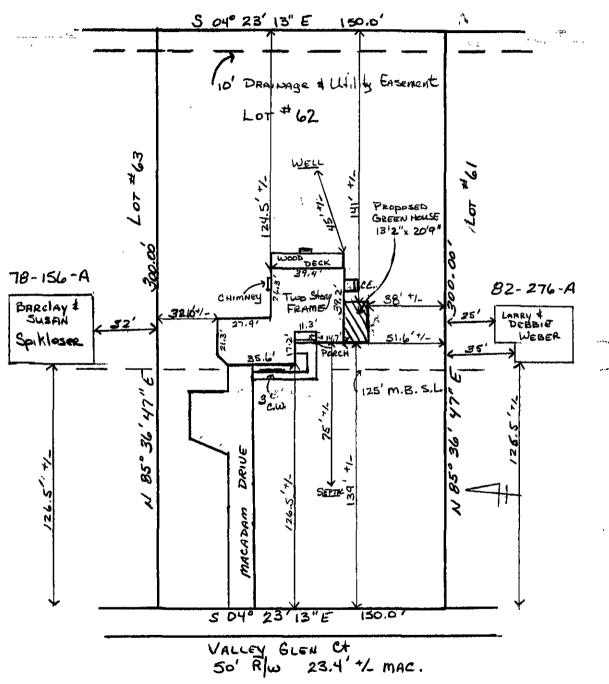
Prepared by:

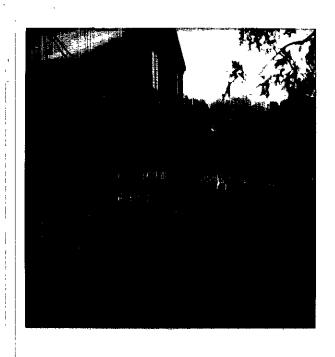
Division Chief:

AFK/JL





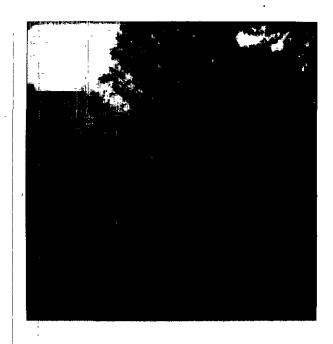






Cor #62

LOT #63





Lor#62

LOT#61



